GPN-J-332-ARHCB-8_94-13,10,500-ALA4.
SPL.H.C.A.S.C.D. 79e.

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE.
CRIMINAL WRIT PETITION NO. 1503 OF 2005

Kailash Lakha Shinde ...Petitioner
versus

The State of Maharashtra ...Respondent.

Office Notes, Office Memorada orders or directions and Registrar‘s orders.	Court‘s or Judge‘s Orders.

Mr. Nitin Pradhan wioth S.D.Khot
for the petitioner.
Mrs. P.H.Kantharia APP for State

CORAM; V.G. PALSHIKAR, J.

DTAED; 16TH JUNE, 2005.

P.C.

1. By this petition, the petitioner seeks to challenge the framing of charge by the learned trial Judge. The contention being that the framing of the charge is with utter disregard to the provisions of section 227 Cr.P.C. Section 227 provides for discharge and it specifically requires the learned trial Judge to charge or discharge the accused named, after hearing the submissions of the accused and

the prosecution in that behalf. The allegation is no such hearing as contemplated by section 227 was ever granted. In this view of the matter the charge as framed is set aside. The matter is remitted back to the learned trial court drawing its attention to the specific provision of section 227 of Cr.P.C. and to proceed with the matter as required by law. The petition is accordingly disposed of.

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